

DA will seek to divert mentally ill from jails

Proposal also calls for deputies to be trained in de-escalating confrontations

By Sarah Favot

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To cope with the number of mentally ill inmates in the county's overcrowded jail system, Los Angeles County District Attorney Jackie Lacey will propose a diversion program that would offer treatment instead of incarceration, she said Wednesday in an interview with this news organization.

Lacey said the plan is immediately needed to quell growing concerns about housing the mentally ill.

The plan, which was obtained by this news organization, includes training for more than 5,000 sheriff's deputies and additional urgent care, housing and treatment centers.

For 15 months Lacey and a team from several county departments, including the sheriff and mental health departments, studied the county's treatment of mentally ill inmates and made recommendations that will bring thousands of low-level offenders who are mentally ill out of the jail system and into treatment and alternative housing. Lacey will present the report to the Board of Supervisors on Aug. 4.

"I think it's important to note that mental health diversion is not a jail-reduction plan," Lacey said. "By placing those who are mentally ill in alternatives, we're still

going to need the jail system to house those who are dangerous and violent."

The report comes as the supervisors consider the construction of a new jail that was initially slated to house 4,800 high-security and mentally ill inmates. The \$2 billion jail approved last year was put on hold while county staff studies how many beds are needed and how many inmates can be diverted out of the jails.

While the total number of inmates in the county jails has fluctuated over the past several years, the number of mentally ill inmates has remained steady. Of the 17,000 inmates in the jails today, about a fifth, or 3,600, are mentally ill.

Training is a major component of the plan.

According to Sheriff Jim McDonnell, about 40 percent of all use-of-force incidents involve those who are mentally ill.

McDonnell said in an interview Friday that the department needs to have deputies who are trained in crisis intervention and who can "de-escalate" a situation by knowing what signs to look for.

If implemented, Lacey said the training will teach sheriff's deputies those de-escalation techniques, so that an interaction with someone who is mentally ill doesn't turn into an assault or situation where the suspect is resisting arrest.



STAFF FILE PHOTO

The mental health unit at the Twin Towers Correctional Facility is shown in April.

The Sheriff's Department has created a six-year plan to train 5,355 deputies, according to the report. The district attorney's office has received a \$1.8 million grant to begin training police officers in the county's other 48 police agencies.

Lacey will also recommend that the county fund three additional urgent care centers where those who are mentally ill can be given immediate treatment rather than be jailed. Currently, a

deputy who encounters a mentally ill person can either take that person to an emergency room where the deputy must wait with the person for an average of six to eight hours or the deputy can book that person into jail in less than an hour.

The most expensive aspect of the plan is Lacey's call for about 1,500 beds to be added to house mentally ill offenders at different levels of care, from permanent supportive housing to tran-

sitional beds.

Lacey said the county chief executive officer's office is determining how much that will cost. The Board of Supervisors has funded \$40 million this year for mental health diversion programs, a portion of which Lacey is recommending be used to build housing.

Lacey said the diversion plan will also help reduce recidivism.

"By providing appropriate mental health services and

substance abuse treatment and housing, the mentally ill can be stabilized and they will be less likely to commit future crimes," she said.

Removing low-level mentally ill offenders from the jails will also provide more space for more serious and violent criminals to serve their sentences without being released early due to overcrowding, Lacey said.

Lacey acknowledged the plan will take several years to implement.

CIVILIAN PANEL

Tues 7-28-15 Daily Breeze

L.A. supes to focus on sheriff oversight

By Sarah Favot

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The Los Angeles County Board of Supervisors will hear recommendations today about the role and responsibility of a panel that will oversee the Sheriff's Department.

The supervisors, in a split decision, voted in December to create a Civilian Oversight Commission for the Sheriff's Department. Supervisors Mark Ridley-Thomas, Hilda Solis and Sheila Kuehl were in favor of the commission.

At today's board meeting a working group that has spent months coming up with recommendations about the commission's function will make its pitch to the supervisors.

The supervisors are not expected to vote today on the recommendations but will take any action at a future meeting.

The call for an oversight panel was prompted by a string of abuse and mistreatment of inmates by deputies in the county's jails. Three former deputies were convicted last month of beating a visitor to the jail and falsifying reports to cover it up. Federal prosecutors said 14 current or former members of the Sheriff's Department have been convicted of various crimes. Others, like former Sheriff Lee Baca's second-in-command, former Undersheriff Paul Tanaka, await trial. Tanaka is accused of obstruction of justice and conspiring to obstruct justice.

A number of reforms have been made to the county's jails, and the new sheriff, Jim McDonnell, was elected in November on a reform agenda.

The Sheriff's Department has also entered into several settlement agreements with the federal

government involving excessive use of force and access to mental health care and suicide prevention for inmates.

The working group, which consisted of an appointee from each super-

visor, the Sheriff's Department's inspector general, Max Huntsman, and Neal Tyler, executive officer of the Sheriff's Department, agreed on most of the recommendations for the oversight commission. The group was divided in two of the recommendations: that the supervisors ask the

commissioners will be appointed by majority vote of the supervisors, a commissioner may serve up to two three-year terms, commissioners will be compensated up to \$5,000 a year plus expenses, no current or former LASD employees and no current employees of other police departments may sit on the commission,

charter so that the commission may be granted subpoena power and that retired LASD personnel may not sit on the commission.

Under the proposal, each supervisor will appoint a commissioner and four

"It's inherently more difficult than any other issue. With that exception, I would hope that all the other recommendations would be adopted by the supervisors."

— Dean Hansell, an attorney who was on the L.A. Police Commission, speaking about possible subpoena power

and the group will meet at least once a month and produce an annual report.

Dean Hansell, who chaired the working group, said the oversight commission is more complicated than the Los Angeles Police Commission because the sheriff is elected. The sheriff isn't required to take direction from the Board of Supervisors, although McDonnell supported the creation of the oversight panel.

The commission will report to the board and to the sheriff and will serve as a liaison between the community and the Sheriff's Department and the community and the Board of Supervisors. The inspector general would report to the commission and work closely with it.

The panel will examine the department's practices and patterns and can ensure accountability in any reforms that are put in

place, Hansell said.

Members of the public who spoke at several community meetings overwhelmingly wanted the commission to have subpoena power to give the panel "teeth."

Hansell, an attorney who sat on the Los Angeles Police Commission, said he felt subpoena power was important to be used as a potential "club." He also said it could come into play if a third-party vendor in the jails did not feel compelled to share documents with the sheriff.

Hansell said he hopes the supervisors follow the recommendations of the group, although they might not opt to give the commission subpoena power.

"It's inherently more difficult than any other issue," he said. "With that exception, I would hope that all the other recommendations would be adopted by the supervisors."

SHERIFF'S DEPARTMENT

7-29-15 WED Daily Breeze

Supervisors take their time in discussing oversight

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While calling Los Angeles County “late to the party” when it comes to police oversight, the Board

of Supervisors on Tuesday discussed the role of a new oversight commission for the Sheriff’s Department but took no action.

The supervisors heard a presentation from a working group that has met

for the past six months on the new Civilian Oversight Commission.

Supervisor Mark Ridley-Thomas, who along with supervisors Sheila Kuehl and Hilda Solis supported the creation of the over-

sight board, said it has been “challenging” to get to this point and called L.A. County is “late” to the oversight party.

Two contentious issues yet to be resolved are the group’s recommendation

that a ballot measure to amend the county charter be put to voters to give the oversight commission subpoena powers and the group’s recommendation that no former Sheriff’s Department personnel sit on

the commission. Supervisor Michael Antonovich, who did not support the creation of the oversight commission, wanted to know if there would be drawbacks to amending the charter.

LAW ENFORCEMENT

Daily Breeze

Sheriff links rise in crime to Prop. 47

McDonnell: With some drug, property offenses now misdemeanors and county treatment rolls down 60%, offenders are back on streets

By Tami Abdollah
The Associated Press

A recent change in California law making certain drug and property crimes misdemeanors instead of felonies played "a significant role" in the rising crime rate in Los Angeles County and has taken

away the incentive for addicts to seek treatment, Sheriff Jim McDonnell said Thursday.

In an interview with The Associated Press, McDonnell also said legalizing marijuana for recreational use is a bad idea and that recent public backlash against police over use of force is having an impact on

his agency, the largest sheriff's department in the country.

Many in law enforcement have criticized Proposition 47, which voters passed in November. To ease overcrowding in the prison system, it reduced the penalties for shoplifting, forgery, fraud, petty

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STAFF FILE PHOTO

L.A. County Sheriff Jim McDonnell says a new law has spurred crime.

theft and possession of small amounts of drugs — including cocaine, heroin and methamphetamines.

So far this year, the Los Angeles County Sheriff's Department reports a 3.39 percent increase in violent crime and a 6.9 percent increase in property crime.

"We had 10 years of crime reductions, we were at 50-year lows in many areas on crime statistics, and all of a sudden, right after November, when (Prop.) 47 kicked in that changed and fairly dramatically, very quickly," he said. "It would be naive to say that 47 didn't play a major role in that."

McDonnell said the law prevents authorities from leveraging the threat of a felony charge to get addicts into treatment. As a result, county treatment rolls are down 60 percent.

"People are no longer incarcerated, they're not in treatment, they're out reoffending on the street," McDonnell said.

Proposition 47 came after California's 2011 prison realignment law, which pushed many criminals into county jails to decrease state prison populations. Jails previously housing only people awaiting trial or those sentenced to less than a year now also hold more hardened criminals serving longer terms. McDonnell said one county inmate has a 42-year sentence.

"That's not something we're equipped to deal with effectively," McDonnell said. "The state prison system has been sued and had consent decrees over it, and it's predictable that as a result, we're going to have the same kind of lawsuits and the same kind of damages."

One of the goals of Proposition 47 was to use savings from reduced jail populations to fund drug treatment programs

as an alternative to incarceration. But there's been no savings in Los Angeles County — the jails are filled with about 18,000 inmates.

Before Proposition 47, the jails were overcrowded

3.39

Percent increase in violent crime

6.9

Percent increase in property crime

"We had 10 years of crime reductions, we were at 50-year lows in many areas on crime statistics, and all of a sudden, right after November when (Prop.) 47 kicked in that changed and fairly dramatically, very quickly. It would be naive to say that 47 didn't play a major role in that."

— Sheriff Jim McDonnell

and inmates served just 10 to 15 percent of their sentences. Now they're serving 90 percent of the sentences, McDonnell said, but there's no money for the treatment services.

McDonnell also said DNA databases are less robust because those charged with Prop. 47 crimes aren't required to provide DNA samples. A bill that would have ensured authorities could continue collecting such samples died last week in

the Senate Public Safety Committee, after passing in the Assembly.

McDonnell touched on a number of other law enforcement issues:

- Body cameras are being tested by the department and he hopes to provide them to deputies on patrol and in jails. McDonnell said deputies shouldn't be able to review the camera footage before making an initial statement in any use of force incident.

After the initial statement, he said deputies could then review the video and make a supplemental statement.

This approach has been supported by civil libertarians and differs from the Los Angeles Police Department, which has a policy that allows officers to review body camera footage before providing a statement.

- Pot legalization is bad for society. He said pot is far more potent today and so the gentle buzz people expect is far more intense and sometimes produces hallucinations. There are many unresolved questions about how law enforcement will test for levels of intoxication.

- Media coverage of violent police encounters is having an impact on law enforcement. Deputies are worried that any use of force could be misconstrued when captured on video, McDonnell said. Less than 1 percent of the millions of daily police contacts with the public result in uses of force, but those are what people focus on, he said.

McDonnell is planning a 32-hour course for deputies on crisis intervention training, especially to deal with the mentally ill, which make up 40 percent of the use of force contacts for deputies.

Scrutinizing the sheriff

The oversight commission must be able to subpoena internal department documents.

THE RECENT indictments of top leaders of the Los Angeles County Sheriff's Department are a timely reminder that the department has operated for too long with little regular and meaningful public review. As members of a working group complete the task of designing an oversight commission and prepare to forward their recommendations to the Board of Supervisors, they should keep in mind that there can be no oversight worthy of the name — no ability to assess policies and operations or to discover and spotlight festering problems — without access to internal department information. To secure such access, and to ensure that the sheriff cannot easily revoke it, the commission or its staff must be able to subpoena documents or have some equivalent power, enforceable in court, to compel the production of data and records.

Subpoena power has become the primary bone of contention in the many hearings and town hall meetings of the seven-member working group, revealing widely differing attitudes and assumptions about what oversight is or ought to be, and in fact whether it can actually exist under a state Constitution that makes the sheriff an independently elected official, subject only to the will of the voters at reelection time, the budget discipline (if any) exercised annually by county supervisors and, as a last resort, the review and orders of the courts.

Sheriff Jim McDonnell sees the commission as advisory — a useful tool to assist him in ferreting out problems in his department and maintaining a productive relationship with the public, while providing a forum in which to air and respond to grievances. The relationship between the sheriff and the oversight panel would be cooperative rather than adversary, and subpoena power would be unnecessary.

Such a view falls short of the muscular oversight needed, although it does take into account some compelling legal and political facts: Deputy records are broadly shielded from public view under state laws intended to protect peace officers from politically motivated discipline. Deputies, their unions and, more to the point, the courts are likely to reject any path that would result in an individual's records becoming public — and that includes subpoena power, if the officials with that power have the discretion to make their findings part of the public record.

There are many shades and iterations of arrangements that would allow the commission access but keep documents from the public. Some already have been tried. An Office of Independent Review, for example, was granted broad access but became in effect the department's lawyer, ensuring that documents were privileged and remained confi-

dential, but at the cost of the office's independence. It was wrapped up last year in favor of an inspector general, who currently is under no compulsion to keep documents from the public — but who, consequently, without subpoena power, has so far been granted only limited access to department records.

Sheriff's officials and leaders of the deputies' unions have discussed a type of contract under which documents could be shared with the commission but still kept from the public eye. To be acceptable, such an agreement must be enforceable in court and must not allow the department the discretion to withhold or delay production of any records. If it accomplishes much the same thing as subpoena power, and is as enforceable and as effective, it makes little difference what it is called.

Yet how could a commission, expressly designed to exert public oversight, agree to any kind of arrangement that keeps information from the public?

Activists whose family members or who themselves have been subject to abuse by deputies on patrol or in the jails, and many others troubled by the high-profile deaths nationwide of unarmed suspects in police custody over the last year, envision a commission with power to publicly review individual incidents and to discipline deputies, or at least to assess the adequacy of the department's discipline.

But that approach asks too much of a panel that would operate under current state law. At least in the short term, the sheriff's oversight commission should be expected to focus on systemic issues and patterns of abuse and discipline rather than individual cases. It cannot itself be all the missing pieces of the reform puzzle: a reformed civil service panel; a more vigorous grand jury; a more attentive Board of Supervisors.

The balance between gaining useful access to department documents and preventing confidential material from becoming public can be met by investing subpoena power in the commission's investigative staff: the inspector general. The I.G. could study the documents and present to the commission, and therefore to the public, reports outlining the department's failures and recommending remedies while preventing the public release of records of individual deputies.

Subpoena power will require first a vote by the Board of Supervisors and then by Los Angeles County voters. The earliest the public could expect to consider the question is a year from now. Advocates for a less formal approach note that a memorandum of agreement could be in place long before then.

But the two paths are not mutually exclusive, and access to the internal records of an office whose sole purpose is to serve the public, and is supported by public money and whose leader is elected by the public, should not depend solely on negotiations between the department and the deputies' union. If winning subpoena power for an oversight commission will take time, there is no time like the present to begin the quest.